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FM AMEMBASSY LISBON

TO RUEHC/SECSTATE WASHDC 6847

INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE

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C O N F I D E N T I A L LISBON 001237

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SIPDIS

E.O. 12958: DECL: 10/10/2016

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SUBJECT: PORTUGAL SUPPORTS EU STATEMENT ON GUANTANAMO

DETAINEE RESETTLEMENT

Classified By: AMBASSADOR STEPHENSON, REASONS 1.4 (B,D)

**¶1.** (C/NF) Summary. Portugal supports the concept of a EU statement that would allow EU member states to accept low-threat Guantanamo detainees. MFA interlocutors told us that EU Foreign Ministers would discuss the subject May 26 at the GAERC luncheon. While no text would likely be adopted, at least the issue would be put in motion. The Portuguese suggested that the United States weigh in at the Presidential level during the upcoming U.S.-EU Summit. From a bilateral context, the Portuguese promised to be as helpful as possible, and outlined the necessary steps for Portugal to accept detainees. End summary.

**¶2.** (C/NF) On May 23, Ambassador-at-Large for War Crimes Issues (S/WCI) Clint Williamson called on Francisco Ribeiro de Menezes, Chief of Staff to Portugal's Minister for Foreign Affairs Luis Amado, Director of Legal Affairs Luis Tavares, and the Foreign Minister's Legal Adviser Isabel Moreira to discuss the resettlement in EU Member States of low-threat detainees from Guantanamo on humanitarian grounds. Ambassador Williamson suggested the European Union issue a statement recognizing that the closure of Guantanamo can be facilitated by EU states accepting transfers of detainees, without requiring states to take action. He explained that this might provide "top cover" for states inclined to accept detainees but which are unwilling to act unilaterally, yet would be flexible enough to secure support from those states unwilling to do so.

**¶3.** (C/NF) Ribeiro de Menezes said that Portugal supported the idea of such a statement. He added that EU Foreign Ministers would discuss the issue during the General Affairs and External Relations Council (GAERC) luncheon on Monday, May 26, and that Amado has already undertaken informal discussions on this subject with High Representative Solana and a number of Foreign Ministers. Putting the overall political question at the EU level, he said, would be appealing to many of them. While he doubted that the EU would reach agreement on a text at the GAERC luncheon, it would at least begin the process. The upcoming U.S.-EU Summit in Slovenia, he posited, would move the process even further. In that context, he recommended that the United States weigh in at the highest levels to urge such an EU consensus, noting that a public 'hint' from President Bush would have a 'direct impact'.

**¶4.** (C) Tavares noted that he could also put the issue before the EU Council Working Group on Public International Law (COJUR) once it receives the political blessing of the EU. The concept of International Subsidiary Protection has already been approved by COJUR, but fewer than half of the EU states have embodied this in national law. Portugal, he noted, currently has a bill pending in parliament.

**¶5.** (C/NF) In the bilateral context, Ribeiro de Menezes said that Portugal "has a history of helping out," noting that,

"if we possibly can, we will help." Moreira outlined the Portuguese process, in which the National Committee for Refugees and Portugal's border control agency (SEF) review the applications for settlement in a non-political format. Moreira stressed repeatedly that Portuguese law would require extensive background information regarding the individuals in question, including far more information on individuals than has been provided to date.

Comment

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¶6. (C/NF) Ribeiro de Menezes was visibly relieved that Ambassador Williamson did not present a dossier of detainees for Portugal to accept or reject. Asking Portugal to help issue a call to action rather than actually to take action was appealing to him. That said, when the Government of Portugal in general -- and Ribeiro de Menezes in particular -- has promised to be helpful in the past, it has followed through. We agree that highest-level lobbying during the U.S.-EU Summit would be extremely helpful. End comment.

¶7. (U) Ambassador Williamson cleared this cable.  
Stephenson